

NOV 26 2008

**BARNES & THORNBURG LLP**

btlaw.com

11 South Meridian Street  
Indianapolis, Indiana 46204

317.236.1313

Telecopier (Fax) Number: 434 220 2866

**FAX COVER SHEET**

TO: Commissioner for Patents      COMPANY NAME: U.S. Patent & Trademark Office  
FROM: John P. Breen      TELECOPY NO.: 571.273.8300  
DATE: November 26, 2008      TIME SENDING: \_\_\_\_\_

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 4

If you have difficulty receiving this Fax, please call Barnes &amp; Thornburg at 434.220.2866 and ask for John Breen.

Fax Transmitted: November 26, 2008

Applicant: Toda et al.

Invention: **Method of Inducing Growth of Nerve Stem Cells**

U.S. Serial No.: 10/509,529

Filed: June 14, 2005

Docket No.: 38102-76017

☒ Request for continued Examination Transmittal Letter☒ Request for Continued Examination (RCE)

A return facsimile message with an image of this page from the U.S. Patent &amp; Trademark Office acknowledges receipt of the indicated papers.

CLIENT # 38102  
MATTER # 76017☒ Original will not follow by mail

**CONFIDENTIALITY NOTICE:** This message is for the exclusive use of the individual or entity to which it is addressed and is confidential. If you are not the addressee or an employee or agent of the addressee responsible for delivering it to the addressee, please do not read, use, disclose, copy or distribute this message and do not take any action in reliance upon it. If you have received this message in error, please notify us immediately by telephone (collect) to arrange for its return. We do not intend to waive any attorney-client or work product privilege by the transmission of this message.

Chicago    Elkhart    Fort Wayne    Grand Rapids    Indianapolis    South Bend    Washington, D.C.

NOV 26 2008

PTO/SB/36 (28-08)

Approved for use through 09/30/2008, OMB 0661-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/509,529
Filing Date	June 14, 2005
First Named Inventor	Masahiro Toda
Art Unit	1647
Examiner Name	Daniel Garnett
Attorney Docket Number	38102-78017

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☐ Other \_\_\_\_\_

- b. ☐ Enclosed

- i. ☐ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 CFR 1.17(f) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(a) is required by 37 CFR 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 10-0436

- i. ☒ RCE fee required under 37 CFR 1.17(e)  
ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)  
iii. ☒ Other any other necessary fee \_\_\_\_\_

11/26/2008 HARRIZ11 00000010 100435 10509529

01 EC+PE51 65.00 DA

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>John P. Breen</i>	Date	11/26/08
Name (Print/Type)	John P. Breen	Registration No.	38,833

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Signature	<i>John P. Breen</i>	Date	11/26/08
Name (Print/Type)	John P. Breen		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.